

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.24676 of 2004

Between:

Muffakam Jha College of Engineering and Technology, rep by Sultan-UI-Uloom
Education
Road.No.3,Banjara Hills, Hyderabad.

..... PETITIONER

AND

- 1 The Govt of A.P., rep by its Principal Secretary, Department of
Higher Education (EC_II), Secretariat Buildings,
Hyderabad.
- 2 The Director of Technical Education Govt of A.P.,
Hyderabad 500 -063.
- 3 The Osmania University, rep by its Registrar
- 4 A.P.State Council for Higher Education rep y its SEcretary,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction one in the nature of Mandamus declaring action of the 3rd respondent in not conducting entrance examination as contemplated in the proceedings granting affiliation to the petitioner in proceedings No.1241H/2004-05/Acad/IV-I, dt 7-9-2004 and further action of the 3rd respondent in not permitting the petitioner to admit the students based on the marks obtained in the qualifying examination i.e., B.E./B.Tech., as arbitrary, illegal and further declare the action of the respondents 1 and 3 in not taking a final decision in the matter based on the representations of the petitioner dt 18-11-2004 and 27-10-2004 and issue a consequential direction to 3rd respondent to permit the petitioner to admit the students into ME Course without reference to GATE Score.

Counsel for the Petitioner: MR.C.V.MOHAN REDDY

Counsel for the Respondent Nos.1, 2 and 4: GP FOR EDUCATION

Counsel for Respondent No.3: Mr. Deepak Bhattacharjee, SC for OU

The Court, at the admission stage, made the following :

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 24676 of 2004

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Oral order:

The petitioner is an Engineering College, managed by Sultan-ul-Uloom Education Society, Hyderabad, and is engaged in imparting in engineering courses, including P.G. Course in ME. Assailing the action of the respondents in not permitting the petitioner to fill seats in P.G. Course in ME for the academic year 2004-05, based on the marks obtaining in the qualifying exam, namely B.E./B.Tech., without reference to GATE score, and particularly the action of respondent No.3, in not holding Entrance Examination for ME, as prescribed in the order dated 7-9-2004, as illegal and arbitrary, the petitioner filed the present writ petition.

The petitioner has an approved intake of 18 seats in P.G. Course in ME, and admission to the said seats is made on the basis of the rank/marks obtained in GATE/non-GATE, namely Entrance Examination, conducted by OU, preference being given to those having GATE, and in case, candidates with GATE are not available, then non-GATE candidates, for both sponsored and non-sponsored candidates, would be considered. It is the case of the petitioner, that out of 18 seats, only 8 seats are filled - 3 with GATE sponsored by Convener, and 5 with non-GATE, and remaining 10 are unfilled. The petitioner states that unless and until all the remaining 10 seats are filled, it is not feasible for them to run the P.G. Course in ME, and therefore, they requested respondent No.3-Osmania University to hold Entrance Examination for ME, as prescribed in the order dated 7-9-2004, either by themselves or permit the petitioner to conduct Entrance Examination under the supervision of a nominee of the Osmania University, but so far no action had been taken thereon. Hence, the petitioner prays for appropriate directions.

Heard the learned counsel for the petitioner, the learned Government Pleader for Higher Education and the learned Standing Counsel for respondent No.3-Osmania University.

Inasmuch as GATE candidates are not available, and having regard to the facts and circumstances of the case, and particularly, the fact that nearly 10 seats remained unfilled, all the counsel agreed for disposal of the writ petition with the following directions:

Respondent No.3 is directed to conduct Entrance Examination either by itself or permit the petitioner to conduct Entrance Examination under the supervision of its nominee, expeditiously, in accordance with its orders dated 7-9-2004, for finding eligible students for filling up of 10 seats of P.G. Course in ME in the petitioner college, expeditiously, in any case not later than within fifteen days from today.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J.

Date: 31st December, 2004.

KSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Principal Secretary, Department of
Higher Education (EC_II), Govt of A.P., Secretariat Buildings,
Hyderabad.
- 2 The Director of Technical Education Govt of A.P.,
Hyderabad 500 -063.
- 3 The Registrar, Osmania University,
- 4 The SEcretary, A.P.State Council for Higher Education
Hyderabad.
- 5 Two CCs to GP for Education, High Court of AP, Hyderabad
(OUT)
- 6 Two CD copies.